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THE MARINE RECORD.

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AROUND THE LAKES.

CLEVELAND.

The little schooner Ella Murton, ashore and dismantled, arrived on Saturday.

Captain W. B. Scott, insurance agent, accompanied Mr. M. A. Bradley to Buffalo.

Captain W. W. Johnson late of the barge Norway has been appointed master of the barge A. J. Walton.

Captains Ellis of Ellisburg, New York and D. C. Clary of Sandusky, O., are in the city this week with paying freights.

The schooner M. F. Merrick, Captain Wm. Brooker, lost her mainsail on the way down. She was fitted with a new one at Grover's.

At Radcliffe's shipyard a new jig mill has been put up for sawing out frames and work is being pushed rapidly. Over half of the frames are up on the Berriman boat.

The schooner San Diego, dismantled in the late storm, will have three spars placed in her at Captain Greenhalgh's spar yard, and other necessary repairs made.

Engineer Mat Thomas, lately on the propeller Raleigh, has taken position with the Walker Manufacturing Co. Mr. Thomas will probably sail again next season.

Captain Edward Ellis has repainted and fixed up his vessel, the Montcalm, so that she is in fine shape for the fall campaign. The entire Mont fleet is well officered and is making a good record this season.

The Cleveland Yachting Association opened their new club rooms at No. 10 City Hall, Wednesday evening, and all the members invited to be present. The rooms will be open during the winter every Wednesday evening.

It is said that the propeller Onoko has been fined by the U. S. revenue officers one hundred dollars because the engineer's license was not shown in a conspicuous place. The captain has been notified and will probably pay under protest.

Joseph C. Gilchrist and others have added the Union steamboat line propeller Waverly, 1250 tons, to their fleet. The rapidity with which these gentlemen are acquiring floating property is token of two or three good seasons to follow the present season of activity.

The burning of Quayle's sawmill at the old yard is, just at this time, a great disaster and inconvenience to them, inasmuch as it will delay the work at the yards on the vessels now under construction there. It is thought, however, that they can get a new mill in running order in a short time.

Captain Lee Spear has been appointed master of M. Bradley's recently rebuilt tug G. N. Brady. The tug Brady has been purchased by the Fisher & Wilson lumber Company and will tow the barges belonging to that company between East Saginaw, Bay City and Cleveland. The consideration was $8,000.

Captain George McKay divides his time between his office, the Cleveland drydock and the Globe shipyard. He is taking great interest in the construction of the new steamer for the line, and it is safe to say that the outfit and furnishing will be the best the country affords. The new steamer will be lighted by electricity.

At Cleveland drydock the propeller Oscar Townsend had buts calked and a leak stopped; and the schooner Leonard Hanna received new spars; the E. B. Hale had buts calked, new fore foot and bottom trimmed up; the Thomas Quayle had buts calked and a leak stopped; and the Ketchum some new plank in her bottom and some calking.

The steel steamer at the Globe yard for the Mutual Transportation Company is being rapidly pushed forward and will in a few weeks show the beauty of her model. Work is well advanced on the H. H. Brown steamer and many of the frames turned for the Ira Owen steamer. Superintendent Smith is showing as much genius in handling men as in giving his vessels a smooth and perfect finish. J. F. Pankhurst, manager of the Globe Iron Works Company, returned from a business visit to New York on Tuesday.

The inspector of the tenth lighthouse district again gives the following notice: The location of the pier light at the entrance to Fairport is erroneously given in the list of lights, edition of 1886, as near the outer end of the west pier, whereas it is about two hundred feet from the outer end of the east pier. Masters of vessels and others interested are warned of the error and requested to give this correction circulation.

The Cleveland vessel owners' association met yesterday in the board of trade rooms. Another advance in wages was made, to take effect immediately. Following is the new schedule: On steamers: First engineers, $90 to $100 per month; second engineers, $60 to $70; first mates, $65 to $75; second mates, $50; cooks, $50: helpers, $20; firemen, $50; wheelsmen, $50; watchmen. $50; deck hands, $30, On consorts and sail: First mates, $70 per month; second mates, $65; cooks, $50; seamen, $60; boy, $30.

Pending the investigation it would, perhaps, not be best to say much about the collision of the fire boat J. H. Wetherley with the Main street bridge. The collision proved that we have a good bridge and the fire boat has now no pilot-house. The draw opened for the passage of the tug Gordon, Captain D. Moffatt, through the east channel, and before it could be put in proper position the fire boat, Captain J. Moffatt, struck it, about twenty-seven feet from the center or within about six feet of the guard, in broad daylight. The force of the collision, beside ruining the pilot-house, broke some of the connections, letting the steam escape with a rush. The tug Florence towed the fire boat to her slip.

Of course the police of Cleveland can not be everywhere at one time. It was Sir Boyle Roche, a member of parliament under the British government, who first laid it down as a fact that "no man could be in two places at one time—barrin' a bird." Our Cleveland police are not birds of that feather, and the width of their beats prevents them very effectually from being on two beats at once. It is, therefore, not to be wondered at that, stealing out from under the shadow of the trees on Euclid avenue, a footpad should have stricken down Captain Rufus K. Winslow on Saturday night. The only thing one can hope is that Captain Schmitt will catch the rascal. After that it is easy to make his punishment fit the crime. Captain Winslow is a dignified, courtly gentleman—a kind of nautical Beau Brummel; but everybody respects the owner of the Cormorant, the Egyptian, the Wocoken and many another lake boat, who has been so unceremoniously maltreated. The sum taken from him was only about as high as the salary of a Cleveland newspaper reporter, but nevertheless, his personal injuries are more to be deplored than the four dollars he lost, and no one who knows the gentleman will fail to hope that these injuries will soon prove to be nothing more than the recollection of an unpleasant midnight adventure.

ERIE.

There can no longer be any doubt about the fate of the schooner Belle Mitchell, about the loss of which there was so much speculation. A large portion of the craft was driven into this port by the winds. Along with the wreckage was the body of the ship' scook, Mrs. Dick, sister of Captain Rusho, the master of the vessel. The corpse was identified by her clothing. The fishermen are on the lookout for the balance of the crew, which are: Captain Rusho, David Dick, husband of the woman found; James Dick and George Boper, all of Clayton, N. Y., John Calldeck and a boy named William Colon of Canada, and one unknown. It is expected that all the bodies will be drifted in within the next twenty four hours.

BUFFALO.

Special to the Marine Record.

We have now fairly entered into the month that invariably closes the season of navigation, and with it comes changeable weather. Every captain now asks how is your barometer; going up or down? What flags are up? What do you think of the weather? etc., etc., are the daily remarks of vessel captains ready to sail.

The weather to-day is like our Indian summer, but the first two or three days of the week were very unsettled, and at times threatening.

The volume of lake business does not seem to fall off any. There is a demand for tonnage every day. All offerings are freely taken at previous rates on coal to Lake Michigan, and ten cents advance have been paid to the head of Lake Superior. It is reported that one boat got $2.00 per ton for 900 tons of coal to Portage lake from this port. The same boat, it is said, has engaged a return cargo of copper, and for said cargo is to receive a lump sum of $4,250. The boat is the propeller Nebraska, Captain Robert Parsons.

Coal freights to Chicago and Milwaukee are stiff at $1.00 per ton. To shore ports, Sheboygan, Manitowoc, and Racine, 15 to 20 cents higher.

Arrivals this week were the George T. Hope, Nebraska and consort A. A. Carpenter, Tacoma, Iron Duke and consort Iron Cliff, steamer Wocoken, from Duluth, R. P. Ranney and consort, John Martin, John F. Eddy and consort, John Shaw, Oceanica, Wm. Edwards and consort, Golden Age, schooner American Union, Charles Foster, propeller Nahant, D. Ballentine and consort, Northwest, Charlemagne Tower, Jr., and consort, San Diego, propeller C. F. Kirshaw, Borley, schooner Nassau, D. F. Fonts steambarge Nashua and consorts, Potomac and Parsons, schooner J. D. Sawer, from Chicago, schooner David Stewart, from Milwaukee. All of the above vessels brought grain cargoes, mostly from Lake Michigan. All will return with coal cargoes, which are readily obtained at the foregoing quotations.

Charlemagne Tower Jr., takes coal on contract, with deck load of rails for Superior. She tows San Diego to Cleveland for new spars and other repairs, and will leave her there.

Steambarge Wocoken goes light to an Ohio port to load for Duluth.

C. Tower, Jr., was in drydock for a new wheel; the Oceanica to have leak stopped and shoe fixed.

The propeller Arabia is at the Union Iron yard, receiving repairs of the damage done by collision and sinking of the schooner S. J. Tilden, on the St. Clair river, near Port Huron, on her last down trip from Chicago. The damage is quite serious, and will require some days to repair it. A number of sheets will have to be removed in order to make a complete job. On the port side they will have to be removed back from the stem twenty feet; on the starboard side 12 to 14 feet, to fair up the bows, and new frames put in.

On Monday the writer met Mr. M. A. Bradley and Mr. W. B. Scott, of Cleveland, who were here interviewing Manager S. D. Caldwell in regard to the above mentioned collision. The result of their conference is not known nor how the case will be settled, but it is safe to say that Mr. Bradley feels that he has a claim for damages in a good round sum.

Rumors are going the rounds that the owners of the S. J. Tilden thus far had offered $8,000 to raise that vessel and cargo, and it is added that the Pridgeon Wrecking Company had said that they would not raise her for $15,000; also, that S. A. Murphy told some one he would take the job for $2,000. Mr. M. A. Bradley says that no offer has been made by the late owners up to this writing. Captain Thomas Jones, who owned a sixteenth, and the only interest insured, has given notice of an abandonment of the vessel to the underwriters.

The propeller Newburgh, which was purchased by the Maytham syndicate a few days ago, was chartered to take railroad iron to Duluth at $1.50 per ton free.

The fine new ship Susquehanna is still in the Union drydock, completing outfit. It is said she will be ready to make her maiden trip in about ten days.

The engine room on Hefford's dock at the Richmond elevator burned Saturday night. But for the tugs it is probable that vessel property would have burned also, as the schooner Reddington and some canal boats were lying at the dock.

R. R. Hefford has sold the barge T. H. Orton to T. O. Scott, this city, for $1,500. She has lain idle all this season, but will now go for lumber, probably in the S. C. Hall's tow. Scott has had her overhauled.

The Union Steamboat Company sold the propeller Newburgh to Buffalo parties O. W. Cheney, L. W. Drake, and E. C. Maytham, for $40,000. The Newburgh measures 1,195 tons, was built by the Union Drydock Company in 1871, and rates A2. She arrived Thursday from Chicago, and the transfer will be made at once.

It will be at least a week in November before the Anchor Line steamer Susquhanna will be ready for a cargo. She is ready now exeept her engines. Material for the new Union line steamer is now en route and work will begin actively in a few days.

The accident to the propeller Winslow at Duluth turns out to have been the blowing out of a fire plug in her crown sheet, which delayed her a day.

Captain McLeod telegraphs from Midland that the barge York State is hardly worth releasing. The first steam pump broke down and another has been ordered from Port Colborne. The wet grain has swelled and badly racked the vessel. He will come home and leave Captain Rounds in charge.

The Union line still offers for sale the James Fisk, Jr., B. W. Blanchard, St. Louis and Arctic. As has already been mentioned, it is their intention to replace this tonnage with steel boats of much larger dimensions. Work is now begun on a 3,000 ton boat, which is to be out next spring, and another of about the same size is to be ready by midsummer.

The fine of $400, some time ago imposed upon the American tug Tacoma for wrecking in Canadian waters on the British Columbia coast, has at length been paid. The owners refused at first, but paid in order to obtain admission to Canadian ports.

The propeller Arabia, which sank the schooner Tilden, arrived Saturday afternoon. She has a number of short planks bolted on outside of her hull near the water line just back of her stem, but otherwise appears to be uninjured. The cargo taken out at Port Huron to make room for patching her was reloaded and she came in with a full cargo.

Howard H. Baker & Company the well known ship chandlers of Buffalo, have recently taken orders for over 130,000 lbs cable chain, and 30,000 lbs of patent anchors, ranging in weight from 2,000 to 3,500 lbs each. They also furnished the schooner John Shaw, consort of the steamer Eddy, with a tow line 150 fathoms long, ten inches in circumference and weighing nearly 3,000 lbs.

M. A. Bradley, of Cleveland managing owner of the sunken schooner S. J. Tilden, had two interviews with Manager Caldwell, of the Western Transfer Line, with whose propeller Arabia the Tilden was in collision. The result of the conference was not learned. The talk among outsiders was that Bradley's valuation of the Tilden was high.

[Continued on 5th page.]

TREASURY DECISIONS AFFECTING VESSELS.

Opinion of Attorney General; transportation of passengers by foreign vessels between ports and places in the United States:

DEPARTMENT OF JUSTICE,
WASHINGTON, D. C., Sept. 4, 1886.

Sir: In your letter of the 25th of August you ask the following question:

"Under the eighth section of the 'Act to abolish certain fees for official services to American vessels' etc., approved June 19, 1886, is a foreign vessel liable to a fine of two dollars for every person transported by her from one American port to another, when such person takes passage for an intermediate foreign port, and thence again takes passage for a domestic port, the continuity of the voyage of the vessel being temporarily broken?"

The language of the section referred to is this:

"Sec. 8. That foreign vessels found transporting passengers between places or ports in the United States, when such passengers have been taken on board in the United States, shall be liable to a fine of two dollars for every passenger landed."

By the provision of this act, the fine is imposed upon the vessel for the wrongdoing of the vessel, and not for any act done by the passengers; hence, the inquiry is one between the United States and the vessel. The custom house officers are not burdened with the difficult task of inquiring what each passenger did; whether he paid for his ticket, or the terms on which he was transported by the vessel, or any other act or doing of a passenger, except as a means of determining where the passenger was taken on board or landed. In the case submitted, the fact that the vessel was a foreign one is undisputed; that the passengers were landed at Chicago is equally well established. If there be a criminating fact which is involved in doubt, it is whether the passengers were taken on board at a port within the United States. They were first taken on board at Cleveland by the vessel from which they were landed. The voyage was a continuous one, being in the language of the case stated, "temporarily broken" at the port of Windsor, in Canada. Thus, if it was a broken voyage, one part being from Cleveland to Windsor, and the other part from Windsor to Chicago, the two parts (if but temporarily broken by the stoppage at Windsor), and after that resumption and consummation of the original purpose, would constitute substantially a continuous voyage. If there had been no such temporary delay, but the vessel had gone directly from Cleveland to Chicago and carried the passengers from the one port to the other, no doubt could have arisen as to the liability to the payment of the fines. The fact that passengers each paid his fare in two separate payments, and had his trunks examined by the custom house officers, should not be allowed to change the result following from the continuity of the voyage; for it must be borne in mind that it is the vessel that is subjected to the fine and not the passengers. The claim for the fine is by the United States against the vessel. Those controlling the vessel may arrange with the passengers or the officers of the foreign custom house, as it may best suit their mutual convenience, but as the United States has no control over the parties to such arrangements, and is in no way a party to them, her rights can not be prejudiced, or the operation of her laws evaded by them. Even if the passengers each when taken on board had intended making Windsor the end of his voyage on that vessel, and, in consequence of the temporary suspension of the voyage, changed his mind and resumed, on the same vessel, it would be entirely in the power of those controlling the vessel to add the amount of the fine, two dollars, to the fare, and thereby without loss pay the fine; or the passenger could, at his option, take passage on another vessel and the amercement be avoided. A different construction of the law would render the act practically inoperative, and the intent of the law-makers ineffectual. Hence the conclusion follows that the decisive facts in this and similar cases are: Was the vessel a foreign one? Did she take the passengers on board at a port of the United States, and after a substantially continuous voyage land them at another port of the United States? When this conjunction of facts exists, the vessel is subjected to a liability for the fine, and, as these facts are found to exist in the case submitted, the vessel is subject to the penalties provided by the act.

I am, sir, very respectfully,
G. A. JENKS,
Acting Attorney General.

To the Secretary of the Treasury.

Transportation of passengers in foreign vessels between ports and places in the United States:

TREASURY DEPARTMENT, Sept. 11, 1886.

Sir: Your letter of the 7th inst. transmits an extract from a Chicago journal relative to the transportation of passengers between different ports and places in this country by foreign vessels. The extract sets forth the case of the propeller California as opening a new field to Canadian vessels by impliedly ruling that a Canadian vessel by first transporting her passengers from a port in this country to Canada, can then bring them back to any other port in the United States, without violating section 8 of the act of June 19, 1886.

The decision in the case of the California was restricted to that particular case, and the collector at Chicago was expressly informed that the decision in that case laid down no general rule.

The question involved has been submitted to the Attorney General, and an opinion was rendered by that officer on the 4th inst. which is substantially as follows:

That a foreign vessel making a continuous voyage between ports and places in the United States, though the voyage or trip may be temporarily broken by a clearance to a foreign port and arrival at such port, becomes liable to the fine of two dollars for every passenger transported on such broken or continuous voyage from one port or place in the United States to another.

Respectfully yours,
HUGH S. THOMPSON,
Assistant Secretary.

To Collector of Customs, Cape Vincent, N.Y.

LIGHTS ON TOWING STEAMERS—PENALTY FOR NOT CARRYING THEM.

TREASURY DEPARTMENT, Sept. 20, 1886.

Sir: Your letter of the 10th inst. was duly received and referred to the Solicitor of the Treasury for an opinion as to the penalty attaching to a towing steamer for failure to carry the lights required by rule 4, section 4233 Revised Statutes. That officer has rendered an opinion (copy enclosed), stating that the penalty is provided in section 4234, Revised Statutes. Respectfully yours,

HUGH S. THOMPSON,
Assistant Secretary.

To Collector of Customs, Chicago, Ill.

DEPARTMENT OF JUSTICE,
OFFICE SOLICITOR OF THE TREASURY,
WASHINGTON, D. C., Sept. 18, 1886.

Sir: I have considered the question presented by your reference, indorsed on a letter from the collector of customs for the port of Chicago, Ill., namely: "What penalty, if any, attaches to a steamer towing vessels and not carrying lights required by section 4233 Revised Statutes."

Rule 4 of this section provides that steam vessels when towing other vessels shall carry two bright white mast head lights in addition to their side lights. In my opinion, the statute clearly contemplates that the penalty imposed by section 4234, Revised Statutes, shall apply to this class of cases. The only doubt that can arise results from the wording of the last clause of the section, which, in terms, imposes the penalty therein provided for on "sail vessels." The two sections are *in pari materia*, and should be taken and construed together. They relate to but one subject, and have one object in view, viz., the prevention of "collisions on the water," and in terms apply to vessels propelled by steam as well as by sail. To say that penalty imposed by section 4234, Revised Statutes, can not apply to steam as well as sail vessels is to defeat the principal object had in view by an enactment of the statute. Section 4234, Revised Statutes, provides that collectors shall require all "sail vessels" to be furnished with certain lights and that every "such vessel" that shall be navigated without complying with the provisions of this and the preceding section (sections 4233 and 4234, Revised Statutes) shall be liable to a penalty of $200, etc.

It would be impossible for a sail vessel to violate so much of section 4233 as is contained in rule 4, and, therefore, the evident intent of the statutes must and will govern the question presented. In this connection attention is called to the provision of section 3, Revised Statutes, which enacts that in determining the meaning of the Revised Statutes the word "vessel" shall include every description of water craft or other artificial contrivance used or capable of being used as a means of transportation on water.

I recommend that any steam vessel which is navigated without complying with the requirements of rule 4 of section 4233 be seized and proceeded against for the recovery of the penalty provided for in section 4234, Revised Statutes.

The papers covered by your reference are herewith returned. Very respectfully,
A. MCCUE, Solicitor.

The Hon. Secretary of the Treasury.

FOREIGN TUGS WITH TOWS IN AMERICAN WATERS—ABANDONMENT OF TOWS.

TREASURY DEPARTMENT, Sept. 21, 1886.

Sir: Your letter of the 3d of July last transmits the sworn petition of James Murray, master of the Canadian tug David G. Thompson, of Kingston, Canada, for the remission of a penal tonnage tax of $102.50, charged to have been incurred by towing the American barges B. P. Murphy and G. W. Gates, on the 1st of July last, from the outer pier of your port to the entrance of the Oswego canal, after having dropped them as a tow at the pier.

The tax accrued, as is alleged, under section 4370, Revised Statutes, being the amount, at 50 cents per ton, accruing upon the tonnage of both barges, the burden of the B. P. Murphy being 101 tons and that of the G. W. Gates 102 tons.

The statute allows a foreign tug to tow American vessels in our waters if a part of the contiguous trip or towing be within or upon foreign waters.

In this case the American barges were towed from Montreal, in the province of Quebec, into the waters of your harbor; and there is no doubt that the towing might have been continued from your port to another port of the United States had not the tow been dropped.

The question in this case is, what is the criterion of such an abandonment of a tow as would forbid a foreign master to resume it and take it from the port of arrival in our waters to another domestic port or place.

It is evident that an intentional abandonment of the tow of American vessels would render it impossible for a foreign master to resume and continue the towing without incurring the tax, even if it were continued but a few rods.

But as the foreign master's intention can not always be known, it must lie within the discretion of the collector or some customs officer to decide whether the abandonment was such as to show that the foreign master should not be allowed to resume his tow.

The simple dropping of a tow by a foreign master, when an American tug, competent for the work, is near, or the dropping of a tow for an unreasonable time, should be considered an abandonment.

In this case the leaving of the American barges at the pier long enough for the petitioner to take his Canadian barges to the coal shute and return was such abandonment of the tow as to preclude his resuming it again, and your levy of the penal tax was within the spirit of the law.

But as a rule for the guidance of collectors in these emergencies has not been well defined, and has not been known to foreign masters the Department decides, in accordance with your recommendation, not to direct the collection of the tax.

But you are requested to warn foreign tug masters that the resumption of a tow of American vessels dropped in our waters will entail a penal tax.

To Collector of Customs, Oswego, N. Y.

FORFEITURE UNDER SECTION 3098, REV. STAT.

TREASURY DEPARTMENT, Sept. 29, 1886.

Sir: Your letter of the 25th inst. transmits the sworn application of John V. Tuttle, agent of the owner of the schooner Granger, for the remission of an alleged penalty of forfeiture charged in your report of seizures of the 31st ult., to have been incurred under sections 3097 and 3098, Revised Statutes, the master not being provided with a manifest when boarded by an officer from the United States revenue steamer Fessenden.

It appears that the Granger cleared from Collingwood, Ontario, for St. Ignace, Mich., in ballast, on the 30th of July last, and on her way to the latter port was boarded by an officer of the Fessenden, on the 5th of August last, and found with no manifest, but having a clearance permit from the customs officer at Collingwood. The Granger was boarded before she arrived at St. Ignace, but whether in American or Canadian waters does not appear from your report.

Sections 3097 and 3098, Revised Statutes, entail a forfeiture for failure to deliver a manifest only when a vessel is unregistered—that is, *undocumented* (see article 827 of the Customs Regulations) and under five tons burden. No forfeiture was, therefore, incurred by the Granger.

If she had been laden with merchandise, the master, under section 2814, Revised Statutes, would have been liable to a fine not exceeding $500. But as the Granger was light, and as it does not appear that she was boarded within four leagues of the coast, or that there was any conscious violation of law on the part of the master, you will not seek to enforce any penalty against her under section 2814 Revised Statutes. The penalty under this section, you are informed, does not attach when a vessel is boarded by a customs officer in port.

To Collector of Customs, Milwaukee, Wis.

The Vermont Central officials who were at Chicago last week, making arrangements for enlarging the terminal facilities for their steamboat line secured a twenty years' lease of three hundred feet of dock frontage. The property is located near the Illinois Central bridge. Work will be begun at once on the erection of an extensive warehouse, which will be ready for the company next spring.

Tug John Smith was fined $60 by the revenue cutter Andrew Johnson a short time ago, for failing to have official number and tonnage carved on her main beam. Captain Ruddock has now applied for a remittance of the fine, as the craft has been running six years, has often been examined by revenue officers who never spoke to him about the matter, and he thinks it unjust to fine him at this late day. BURMEISTER.

RECORD OF VESSEL PASSAGES.

THROUGH THE SAULT.

SAULT STE MARIE, Oct. 28.—Forenoon, down—Propeller Japan, steambarges Wocoken, Arizona, Australasia, schooner Polynesia.

Afternoon—Steambarges Cumberland, W. H. Stevens, schooner W. S. Crosthwaite.

Morning, up—Propeller Messenger, steambarge Hiawatha.

Afternoon—Propellers Campana, H. E. Packer, steambarge Calumet, schooner Ironton, steambarges H. B. Tuttle, S. H. Foster, S. J. Macy, schooner Camden, steambarge J. W. Westcott, schooner Lewis O'Neil, propeller City of Montreal.

SAULT STE MARIE, Oct. 29.—Morning, down—Propellers Messenger, Smith Moore.

Afternoon—Tug Niagara, schooners Montmorency, Republic, propeller S. F. Hodge, tug Mystic, schooners H. J. Webb, P. S. Marsh, G. W. Davis, J. H. Card, steambarge A. Everett, schooner Sophia Minch.

Afternoon, up—Propeller Athabasca, steambarge Colonial, schooner Specular, propeller Arctic, tug Balize, schooner Wenoa, Uranus, steambarge Onoko.

SAULT STE MARIE, Oct. 30.—Morning, down—Propeller Ontario.

Afternoon—Steambarge Osceola, propellers City of Owen Sound, St. Paul, steambarge S. J. Macy, schooner Camden, steambarge Nipigon, schooner Pride of America, steambarge Kasota, schooners G. W. Adams, Thomas P. Sheldon, propellers Jay Gould, Celtic, schooner Grantham.

Morning, up—Steambarge Superior and schooner Sandusky.

Afternoon—Propellers Leland, Algoma, steambarge Continental, schooner Magnetic, steambarge Escanaba.

SAULT STE MARIE, Oct. 31.—Morning, down—Steambarge Kittie M. Forbes, schooner Mabel Wilson.

Afternoon—Propeller China, steambarges M. M. Drake, Siberia, schooners Nelson Bloom and Plymouth.

Morning, up—Steambarge Egyptian and schooners Pelican and Charles Wall, steambarge J. H. Prentice, schooners Goshawk, Shawnee.

Afternoon—Propeller Nyack, steambarge James Pickands, propeller Huron City, steambarge Fred Mercur, propeller James Fisk, Jr., steambarge Waldo A. Avery, schooner H. A. Hawgood, steambarge Geo. Spencer, schooner David Dows, propellers Toledo and Ste Marie.

PASSED PORT COLBORNE.

PORT COLBORNE, Oct. 28.—Passed up—Schooner West Side, Oswego to Detroit; Ella Murton, Wellers' Bay to Cleveland; steambarge Albion, Port Dalhousie to Cleveland.

PORT COLBORNE, Oct. 29.—Passed down—Schooner Oliver Mitchell, Chicago to Oswego; steamer John Pridgeon, Jr', Chicago to Ogdensburg; propeller Alma Munro, Toledo to Montreal; Armenia, Duluth to Kingston.

PORT COLBORNE, Oct. 30.—Passed down—Steambarge Clinton and barge, Toledo to Edwardsburg; propeller Dominion, Duluth to Montreal; propeller Myles, Duluth to Kingston.

THROUGH THE STRAITS.

MACKINAW CITY, Oct. 28.—Afternoon, down—Propeller Manistique and two barges, R. P. Ranney with schooner John Martin, Burlington and one barge.

Morning, up—Propeller Rube Richards, with schooners May Richards and S. V. R. Watson, schooner Scotia, Pensaukee, Hartford and Henry C. Richards, F. W. C. Gifford.

Afternoon—M. J. Cummings, Angus Smith, Lizzie A. Law, R. Norwood.

MACKINAW CITY, Oct. 29.—Morning, down Propeller Otego, and one barge, W. R. Stafford and two barges.

Afternoon—John F. Eddy with schooner John Shaw, H. J. Jewett, Fred McBrier and one barge, schooner John O'Neil, H. A. Kent, Stampede, propeller Philadelphia.

Afternoon—Propeller Pacific, Starucca, Lehigh, T. S. Christie, schooner Southwest.

MACKINAW CITY, Oct. 30.—Morning, down—Propeller Escanaba, schooner G. J. Boyce, tug Mocking Bird with schooners Negaunee and J. S. Richards.

Afternoon—Propeller H. D. Coffinberry and consort, James Pickands, Delaware.

Morning, up—Propeller New Orleans.

Afternoon—Schooner Fleetwing.

MACKINAW CITY, Oct. 31.—Morning, down Propeller John B. Lyon with schooner John M. Hutchinson, Yosemite and consort, schooner A. J Rogers.

Morning, up—Schooner James Mowatt, propeller Conemaugh with schooner Annie Sherwood, tug Samson with schooners Emma C. Hutchinson and S. L. Watson, propeller Juniata.

Afternoon—Propeller Wm. H. Barnum.

PASSED DETROIT.

DETROIT, Oct. 28.—Passed up, forenoon—Tug James Reid and schooners Marengo, Monguagon, Ballentine, schooner John Burt and barge Wm. Case, Champion and schooners Porter, F. L. Danforth, Mary D. Ayer, G. G. Houghton, barge Alpena, propeller Lehigh, steambarge Onoko, D. Leuty and four barges, Geo. King and three barges, propeller Wissahickon, barge Continental and consort, tug John Gordon and schooner Golden Fleece.

Afternoon—Tug Peter Smith, schooner James E. Gilmore and barges, Wm. Drake, barge W. L. Wetmore, consort and schooner C. H. Johnson, propeller Montana.

Morning, down—Steambarge Sanilac, tug Oswego, propellers John Pridgeon, Jr., Dominion, steambarge J. E. Potts and consort, propeller Saginaw Valley, steambarges Point Abino, Annie Smith, schooner J. C. King and barge Monitor, Wm. Edwards and consorts.

Afternoon—Steambarge H. S. Pickands, propeller Arabia, steambarge Queen of the West, steambarge Oscar Townsend and consort, propellers New York, Idaho, St. Louis, steambarge R. Wallace and consort, tug Hercules and schooners J. C. King, F. D. Barker, propeller Lycoming.

DETROIT, Oct. 29.—Passed up, morning—Tug Colton and schooners American, Hattie Wells, and barge John Ritchie, barge Geo. Spencer and consort, Sparta and consort, propeller Nyack, tug Samson and schooners E. C. Hutchinson and S. L. Watson, barge Porter Chamberlain and five barges, propeller Conemaugh and schooner A. Sherwood.

Afternoon—Barge Abercorn and one barge, Oscoda, Mineral Rock and three barges, Juno and schooner St. Clair, Fred Mereur.

Morning, down—Propeller Myles, barge R. J. Hackett and consort, tugs Oswego, Champion and barge Monitor, propeller Commodore, barge J. E. Mills, tug Ballentine, steambarge Ira Chaffee and one barge.

Afternoon—Tug Hercules and schooner Atmosphere, propeller Japan, steambarge Minneapolis and consort, tug Crusader, propeller Oneida, barge A. Weston and barge, propeller Winslow, tug Constitution, propeller Arizona, tug Sprite, schooner Adventure, propeller Nebraska.

DETROIT, Oct. 30.—Passed up, morning—Barges W. H. Barnum, H. C. Cottrell and schooner Home, Forest City and consort.

Afternoon—Propeller Russia, barge Morley, tug Castle and schooners A. B. Norris, and Lem Ellsworth, tug International and schooner Helen Spry, barge Veronica.

Morning, down—Barge Handy Boy, propeller Buffalo, barge Kalkaska, propeller W. J. Averill, barge Australasia and consort, Wocoken, D. W. Powers and three barges, Bruno and schooner Laura, Eighth Ohio and one barge, tug Colton, steambarge Benton and four barges, Ogemaw and three barges, tug Record and three barges.

Afternoon—Propeller Annie Young, tug Moore and schooners R. Hallaran, Manzanilla, Swallow, Florida and I. N. Foster, Justice Field and five barges, propeller W. H. Stevens, Boston, H. J. Jewett, tug John Gordon and schooner Ironsides, schooner Venus, Otego and barges, Portage, Fred McBrier and consort, Smith Moore, International, R. B. Hayes.

[Continued on 5th page.]

OLD SCHOONERS.

Special Correspondence to the Marine Record.

SANDUSKY, O., November 1.

The following is a list of arrivals of vessels at Sandusky, during the year 1822:

Steamboat Superior, 340 tons, Rodgers master, 16 trips. Brig Union, of Buffalo, 190 tons, S. H. Johnson master, 4 trips. Schooner Hannah, of Buffalo, 35 tons, Fox master, 3 trips. Schooner Wolf, of Monroe, Mich., 28 tons, Tyler master, 3 trips. Schooner Wasp, of Sandusky, 28 tons, Goodwin master, 15 trips. Schooner Sylph, of Sandusky, 20 tons, Haskins master, 20 trips. Schooner Huron, of Sandusky, 30 tons, Ransom master, 7 trips. Topsail schooner Red Jacket, of Black Rock, 40 tons, A. Walker master, 12 trips. Schooner Erie, of Black Rock, 35 tons, W. T. Pease master, 7 trips. Schooner Michigan, of Black Rock, 130 tons, Walter Norton master, 2 trips. Schooner Pontiac, of Erie, Pa., 25 tons, Seth Reed master, 4 trips. Topsail schooner Beaver, of Erie, Pa. 28 tons, J. F. Wite master, 9 trips. Schooner Diligence, of Erie, 28 tons, John Napier master, 2 trips. Topsail schooner Ann, of Black River, O., 38 tons, A. Jones, master, 6 trips. Schooner General Huntington, of Black River, O., 30 tons, A. Day master, 3 trips. Schooner Farmer, of Grand River, O., 28 tons, Ben Napier, 8 trips. Schooner Liberty, of Grand River, O., 22 tons, H. Reed master, 2 trips. Schooner Phœbe, of Grand River, O., 20 tons, Captain Sage master, 1 trip. Schooner Dread, of Huron, O., 35 tons, Samuel Nichols master, 12 trips. Schooner General Scott, of Cleveland, O., 22 tons, Lockwood master, 2 trips. Schooner Lake Serpent, of Cleveland, O., 30 tons, Burtis master, 1 trip. Topsail schooner Prudence, of Cleveland, O., 33 tons, Hungerford master, 6 trips. Schooner Friendship, of Cleveland, O., 28 tons, Levi Johnson master, 2 trips. Schooner Minerva, of Cleveland, O., 35 tons, Captain Foster master, 1 trip. Mary Calvin, of Detroit, Mich., 20 tons, Pearson master, 2 trips. Topsail schooner Monroe, of Detroit, Mich, 35 tons, Gillet master, 3 trips. Schooner Traveler, of Danbury, 18 tons, Chapin master, 3 trips. Schooner Neptune, of Danbury, 22 tons, Guests master, 3 trips. Sloop Ohio, of Ashtabula, 15 tons, Talbot master, 2 trips.

The sloop Ohio brought salt from Buffalo on several occasions. Captain Talbot was a Long Island sailor and afterward built the schooner Good Intent, and was lost with his vessel on the pier at Buffalo. These vessels, notwithstanding the small tonnage, did quite a successful trade from Buffalo as far west as Mackinaw. They were not deep in the hold, but were built with a quarter deck, which made a comparatively large cabin, and their best business was passengers. The men of this day can not realize what labor it was to navigate old Erie in these small vessels with but three or four lighthouses on the lake. That was before the center boards were used. I have been obliged more than once to run from near the Islands to Buffalo. T. C. McG.

Four hundred and sixty-four sea-going vessels have arrived at Quebec since the opening of navigation, and 435 have cleared. The following transactions have been reported during last week in export freights: Quebec to Leith, timber, 20s; deals, 47s 6d; Quebec to Liverpool, hardwood, 21s 6d; hardwood and pine, 21s; Quebec to Devenport, timber, equal to 22s 6d.

Notice.

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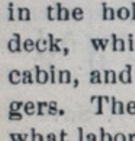

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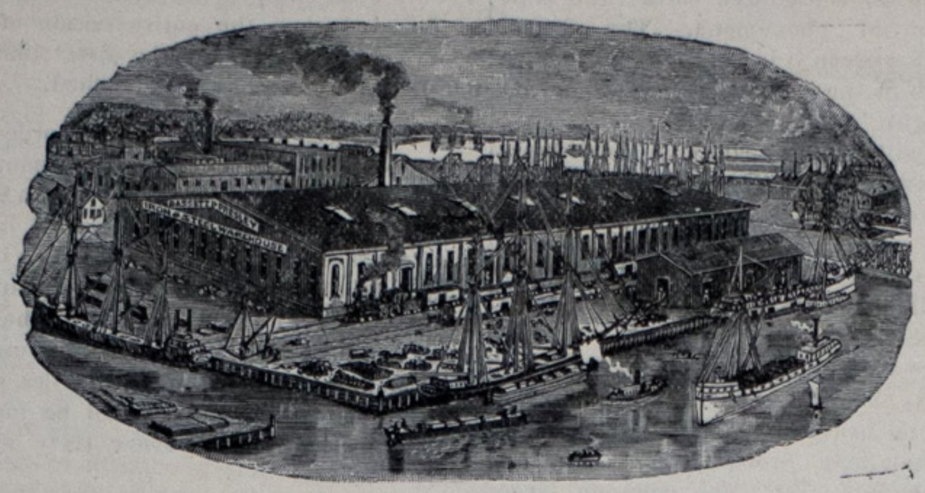

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OFFICIAL NUMBERS AND SIGNAL LETTERS.

TREASURY DEPARTMENT, BUREAU OF NAVIGATION, WASHINGTON, Oct. 25, 1886

To the Editor of the Marine Record:

Following is a list of merchant vessels of the United States to which official numbers and signal letters were assigned by the Bureau of Navigation, Treasury Department, during the week ended Oct. 23, 1886:

Official Number.	Signal Letters.	Rig.	Name of Vessel.	Tonnage. Gross.	Net.	Home Port.
			SAIL VESSELS.			
126 390	.....	Sl	Charles Polhemus†	6.77	6 44	Cold Springs, N. Y.
120,659	K D N J	Sc.	Fred A. Small,	619 17	588.22	Mochais Me.
120,660	.....	Sl.	Fannie,	7 95	7 56	Beaufort, N. C.
95.895	.....	Sc.	H. F. Lankford,	10.97	9.95	Crisfield, Md.
59,806	.....	Sc.	Hattie L. B.	10.35	9 83	Norfolk Va.
76,652	.....	Sl.	Joy,	18.60	17.67	Goshen. N Y.
140,850	.....	Sc	Lela May,	7 78	7 40	Newberne, N. C.
140 852	.....	Sc.	L. J. Oliver,	21.79	20.70	Richmond, Va.
210,712	.....	Sl.	Rambler,	7.40	7 01	Somers Point, N J.
110,713	.....	Sc	Rustie	7.87	7 48	Tappahannock, Va.
116.126	.....	Sl.	Sentinel,	7.14	6.79	Lake Charles, La.
145.433	.....	Sl.	Tender,	9 79	9.31	New York, N. Y.
130,361	.....	Sc	Noiad,	7.75	7.37	Wilmington, Cal.
			STEAM VESSELS.			
76 651	.....	St s	Howard Laundes,	72 07	36 04	Northport. N. Y.
140,851	.....	St. p	Lancaster.	156 09	156.09	Cincinnati, O.
			UNRIGG'D VESSELS.			
31,485	.....	Barge	Brait,	343.86	333 12	Perth Amboy, N. J.
44,292	.....	C. B.	Irving and Minnie,	132 30	125 69	Buffalo, N. Y,
54;477	.....	Barge.	P. G. C. No. 9.	368 64	355 39	South Amboy. N. J

JARVIS PATTEN. Commissioner of Navigation.

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LAKE SHORE & MICHIGAN SOUTHERN.

Commencing Sunday, May 30, 1886 at 5 o'clock p. m the time given in the figures below is the new standard (Ninetieth meridian) time, which is thirty-three minutes slower than Cleveland time proper.

Eastward.	Arrive	Depart.
No 4. Fast Limited Express.....	*2 55 A M	*3 05 A M
No 8, N Y, B & A Express.....	*8 25 A M	*8 50 A M
No 26, Elyria Accommodation.....	†7 45 A M	.....
No 24, Buffalo Ac'm via Sandusky	†10 30 A M	†10 45 A M
No 24, Toledo Accom via Norwalk	†10 30 A M	†10 45 A M
No. 10, New York & Boston Ex..	*11 40 A M	*12 noon
No 12, N Y & B Fast Express.....	*2 10 P M	*2 45 P M
No 2, Night Ex via Norwalk.....	9 40 P M	†10 00 P M
No 22, Night Ex via Sandusky...	†9 40 P M	.....
No 26, Conneaut Accommodation	†4 25 P M	.....
Westward.	**Arrive.**	**Depart.**
No 1, Fast Limited Express.....	*12 15 A M	*12 25 A M
No. 23 Cleveland Express	*2 15 A M	
No 3, Chicago Express via " ..	‡6 00 A M	6 30 A M
No 25, Mich Accom Norwalk.....	.....	†6 30 A M
No 21, Toledo Ex via Norwalk...	†12 50 P M	†3 20 P M
No 5, St Louis Ex via Sandusky..	*10 45 A M	*10 50 A M
No 9, Chi Pac Ex via Norwalk.....	*6 15 P M	*6 40 P M
No 31, Elyria ac to Elyria only...	.....	†4 30 P M
No 27. Conneaut Accommodation	†8 10 A M	.....

Sunday train for Nottingham—Depart 8:15 a. m and 1:45 p. m.; returning, leave Nottingham at 8:50 a. m. and 3:45 p. m.

Reference marks—* Daily, † daily, except Sunday, ‡ daily, except Monday.

A local Cleveland and New York sleeper daily on No. 12, leaving Cleveland at 2.45 p. m.; arrive Grand Central depot, New York, 10 30 a. m.

For full information as to trains and connections apply at the Union ticket office, corner Bank and Superior streets, under Mercantile Bank.

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Following is the time in effect April 25, 1886, and until further notice:

EASTWARD.	Arrive.	Depart.
Buffalo Passenger	*10 40 A M	*10 45 A M
Chicago Passenger.....	*9 00 P M	.....
Local Freight	* 4 40 A M	* 5 45 P M
WESTWARD.	Arrive	Depart.
Chicago Passenger	.....	*6 45 A M
Fostoria Pascenger	*4 46 P M	*4 51 P M
Local Freight.....	* 5 00 P M	* 5 50 P M

ROCKY RIVER ACCOMMODATION.
Depart—*7:40 a. m., *1:35 p. m.
EUCLID ACCOMMODATION.
Depart—*6 24 a. m., *9:10 a. m., *5:05 p. m.
*Daily except Sunday.

Through tickets to all points are on sale at principal offices of the company at LOWEST RATES for any class of tickets desired. Baggage checked to destination

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Marine Record.

Published Every Thursday at 144 Superior Street, [Leader Building] Cleveland, O.

A. A. POMEROY, EDITOR AND PROP'R

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Subscribers and others are respectfully invited to use the columns of the MARINE RECORD for the discussion of pertinent topics.

Entered at the Post Office at Cleveland as second-class mail matter.

CLEVELAND, OHIO, THURSDAY, NOVEMBER 4.

OIL AND WATER.

Much attention in late years has been directed to the quelling influence that oil has on the waves of lake and ocean during the prevalence of a gale, and many experiments have been made by government officers, all of which have had the effect of proving beyond doubt that the use of oil, the lubricating of the waves, is to be one of the agents in saving life and property in the future. The captain of the present day, as a rule, is not prepared to acknowledge when he considers the proportion between a few gallons of oil and the great volume of water, boiling and seething in the mighty ocean or lake, that the smaller quantity will have any material effect on the larger. The researches and experiments of scientists have developed the fact, however, that the power of oil, even in small quantities, has a calming influence on troubled waters, thus proving the truth of the scriptural saying. Professor R. H. Thurston has been foremost in following up the efforts to discover the value of oil in this connection and has assisted in developing the fact when a drop of oil is placed upon the surface of water, it spreads rapidly in all directions, forming a film of exceeding tenuity. On reaching the limit of area that the given amount of oil can cover, the film usually begins to break up at many points simultaneously, forming a lacework pattern. After a time the spread of oil becomes so great that the lace-pattern breaks up, and the oil distributes itself over the surface of the water in detached drops. A continuous supply of oil gives a continually spreading sheet. Its effect upon the surface is, in some manner not as yet so well understood, to give it greater resistance to the wave making power, and especially to prevent breakers. As liquids have great tenacity, large surface tension and small viscosity are favorable to the breaking of waves, while small tension and large viscosity give the contrary property, and as oil supplies this quality, giving a new surface of great superficial tenacity and small surface tension, preventing the friction between wind and water, it reduces the waves. The advantage of using oil therefore in case of threatening seas is manifest. Facts prove that it does break down and prevent "combers." Some of the causes for this are partly explained by Prof. Thurston. But be the reasons what they may the evidence is all in its favor and ship masters must by consequence now accept oil as a means of preventing disasters.

The shipmasters should try this simple and inexpensive method of securing safety for themselves, and we would be pleased if they would note the effects and forward the results to this office for publication. Although the lake region has been, up to this time, comparatively free from destructive gales, we may expect the waves to rage with great fury, at times, from this date to the end of the season. We therefore suggest that the masters of the class of vessels known as canalers, often overloaded, should avail themselves of the knowledge that the use of oil will add to their security.

Prosessor Thurston says: In calm weather, as the waves produced by the gale subside, they take more and more the prolate form, until finally the limit is reached, and the curve subsides to the straight line, unless another wind reproduces earlier the same succession of phenomena. The normal wave of the ocean is in length about twenty diameters of the orbit, or as many times its own height.

Its speed is determined by its dimensions, and a wave sixty feet in total height travels forty miles an hour or more. The longest wave, of which we have authentic record, was observed in the north Atlantic; it was half a mile in length, and passed the ship in twenty-three seconds.

A wave six hundred feet long, however represents about the usual maximum in the longest and heaviest gales; while the extreme limit may probably be set at about three thousand feet. The common large storm waves are two or three hundred feet in length. The best recorded wave data give the maximum as about fifty feet in height. Scoresby noted waves forty feet in height from trough to crest, and thirty feet is not unusual. The period of a wave, in seconds, is about one-half the square root of the length in feet. A wave one thousand feet long has a period of fourteen seconds, and passes the observer in that time, or at the rate of seventy feet per second, or forty-two knots per hour. A wave two hundred feet in length crosses the ocean at just about the speed of the fastest modern steamers—nineteen or twenty miles an hour.

A DECISION was rendered by the supreme court Monday in the original case of the Phœnix insurance company et al. against Charles E. Dyer, judge of the United States district court for the eastern district of Wisconsin. This case, which is a petition to this court for a writ of prohibition, arises out of an act instituted by the Goodrich transportation company, in the Wisconsin district court, to limit its liability, as owner of the steamer Oconto, for damages caused by fire, due to sparks from chimneys of that vessel while she was passing up Fox river on her way to Green Bay. The Phœnix insurance company and the other plaintiffs now ask this court to grant a writ of prohibition to restrain the judge of the district court from further proceeding, on the ground that that court is without jurisdiction to grant the relief sought by the owners of the steamer. This court holds that there is nothing in the admiralty rules which warrants the jurisdiction of the district court of Wisconsin and that the case is clearly one for a writ of prohibition. The writ will therefore be issued. This court does not, however, decide the question whether or not the statutory limitation of liability extends to the damages caused by the fire in question so as to be enforcable in an appropriate court of competent jurisdiction. The opinion was rendered by Justice Blatchford.

THE Port Arthur Daily Sentinel says: There is a difference of opinion regarding the effect which the extension of the breakwater will have on the harbor. A letter from Mr. MacDougall, of Toronto, was read at the last meeting of council, stating that the continuation of the work for 1600 feet in the direction of the C. P. R. elevator dock would only leave a gap of three hundred feet. This would tend to fill up the harbor around the docks, and also pollute the water from sewerage being confined inside the breakwater. He suggested that the extension be made in a straight line. Some of the councilors thought Mr. MacDougall was incorrect in the dimensions of the proposed gap, and held that a narrow gap would cause a greater current inside the breakwater than there is at the present time.

OWEN SOUND ONT., one of the principal ports on Georgian Bay, bids fair to outrival either Collingwood or Midland as a grain receiving port. This season it has received the bulk of the wheat shipments brought down from Lake Superior in Canadian bottoms, and quite a number of vessels have recently been loaded for that port at Chicago. The facilities for unloading are said to be much better than at either of the other bay ports, while the harbor itself is one of the best on the Canadian shore. The channel is two hundred feet wide at the entrance, and is dredged to a uniform depth of eighteen feet. Vessels drawing fourteen feet can reach the dock without danger of grounding. The elevator is being supplied with steam shovels for excellent dispatch.

THE total lake shipment of iron ore from the mines of the Marquette, Menominee, Gogebic and Vermillon ranges for the current season up to and including Wednesday, 20th, are as follows: Marquette, 757,899 tons; Escanaba, 1,317,677 tons; St. Iguace, 64,656 tons; Ashland, Wis., 643,011 tons: Two Harbors, Minn., 273,627 tons. Total, 3,056,870 tons. The gain over the shipments for the corresponding period of last season is 931,411 tons. More Lake Superior ore has already been shipped this season than was produced during the entire season of the boom year of 1882. For the first time the 3,000,000 ton limit has been reached.

As distances on charts are recorded in statute miles, and the log registers nautical miles, masters are sometime at fault in their calculation regarding the number of miles run. A simple and accurate rule to go by is to take the difference between the nautical and statute mile 1 15 and multiply by the distance run in statute miles as marked on the chart and the number of nautical miles, after pointing off the decimals, will be found, adding one-half mile to every sixty miles run.

JACK'S POVERTY AND WHY HE REMAINS POOR.

Under the above title a writer in the London Magazine for October advances a proposition that deserves consideration. He holds in effect that the sailor generally remains poor, because he is not fairly and properly treated. He claims that the sailor does not receive the same treatment or consideration, that a man in a corresponding condition on shore would receive. This is to a great extent true. Jack as a rule goes to sea early in life and the company he lives among and the treatment he receives tend naturally to improverish his moral capital. As a rule he does not improve mentally or physically. This of course lessens him in the estimation of other people and he is made to feel almost directly and immediately the loss he has met in this direction. From this the writer in the Nautical Magazine claims that the sailor "is not trusted or known to his employer and underwriters will have nothing to do with him." This, although it may be denied, is really true. The writer before mentioned points out as a result that having such a bad name, "even the law debars you (Jack) from insuring the wages you earn; it is a cruel and debasing prohibition and in legal wisdom it is assumed that it would be bad policy to allow you the privilege that the owners and merchants have in their business with their underwriters." Evidently the law takes it for granted that were the sailor allowed to insure his wages, the inducement to defraud underwriters would be too great and Jack would succumb to the temptation. The temptation to people with larger stakes at risk is overlooked. It is evident that a little more consideration of the greatest risk and less of that offered by Jack, who has probably received most of his wages in advance, might lead to a betterment of Jack's condition. The writer in the Nautical Magazine very fairly holds that the prevailing rule is unfair. He claims that as the ship and freight are insurable risks so ought the sailors' wages to be also, and that, as under such insurance the ship has earned the freight in full the same as if the goods had been carried to the destination, the crew should be paid in full, the crew having, under the circumstances, earned in full. He puts the case as follows:—"Suppose a ship's freight from Calcutta to London amounts to £5000, the owner of course insures that sum, but the carrying of the freight depends upon the crew, consequently all insured freight includes and covers seamen's wages. If this were not so the case would stand thus—supposing the wages amounted to £500 does the owner only insure £4,500? Certainly not; he reckons in full whether the ship is lost or not; and I maintain that the sailor or his representative has a just claim upon the owner for the whole voyage, less advances advised from last port of departure. It matters not when or where after that the ship has carried her freight, it is all earned; and so long as the sailor has in no way contributed to the loss by his act or neglect, he is, in my opinion, entitled to claim in full." Of course to carry out this proposition would involve some details, but the principle advanced appears to be sound enough and worthy of close investigation. If any material is no stronger than its weakest part, surely the best ship can be no stronger than a weak crew that manages her. And this view is well supported by the large number of vessels lost or damaged by preventable causes—acts of man. If anything is to be gained therefore by lessening Jack's poverty, through insuring his wages, as well as freight money and cargo, then let it be done by all means. A merchant marine is no better than its sailors, and if these are of a high standard, safety to lives and property at sea will be increased and the sailors' poverty, it is to be hoped, correspondingly decreased.—*Maritime Register.*

[*Vessel Passages Continued from 3d Page.*]

PASSED DETROIT.

DETROIT, Nov. 1.—Passed up, morning—Tug Folger and schooners N. C. West, Mary Hattie, propeller Republic and consorts, tug Swain, propeller Newburg, tug Moore and schooners Selkirk, Skylark, A. Boody, propeller Colorado.

Afternoon—Propeller J. H. Devereux, tug Mocking Bird, steambarge Canisteo and two barges, Garden City and five barges, propeller B. W. Blanchard, barge Ira Chaffee, one barge and schooner Wm. Schupe, propeller S. F. Hodge, schooner M. P. Barnalow, tug Crusader and schooners C. Foster, Maria Martin, Parana.

Morning, down—Propeller Delaware, barge B. W. Arnold, Westford and three barges, H. D. Coffinberry and consort, Rhoda Stewart and four barges, tug Mocking Bird and schooners Negaunee, Wm. Young, barge Ed Smith and four barges, propeller Chicago, tug Colton.

Afternoon—Barge A. Everett, schooners Sophia Minch and H. J. Webb, C. J. Kershaw, tug River Queen and two barges.

DETROIT, Nov. 2.—Passed up, morning—Tugs Ella Smith and three barges, Charleton and schooner Starling, barge Eighth Ohio and one barge. Progress, tug Haight and schooner City of Sheboygan, Iron Duke and consort, D. R. Van Allen, schooner Smith and Post, barge Kalkaska.

Afternoon—Steambarge D. F. Rose and two barges. S. C. Hall and four barges, J S. Fay and consort.

Morning, down—Steambarge Cleveland and three barges, tugs Swain, Haight, and schooner Stampede, propeller Avon, tug Music and three barges, steambarge Glasgow and three barges, Oscoda, City of Mt. Clemens, Iron Age, S. J. Macy and schooner Camden, tug International and schooner Harvey Bissell, steambarge Yosemite and one barge, Missouri and four barges.

Afternoon—Tug Cushing, schooner General F. Siegel and scow, Sweepstakes, and schooner Sweetheart and lighter, Crusader, propeller Celtic and schooner Grantham, barge Kasota and schooners G. W. Adams, Thos. P. Sheldon, propellers Syracuse, Nipigon and schooner Pride of America.

DETROIT, Nov. 3.—Passed up, morning—Barge J. E. Potts, propellers Idaho, Commodore, barge Birckhead and three barges, schooners N. P. Goodale, J. H. Davis, propeller H. J. Jewett, barge Salina and three barges.

Afternoon—Propeller C. Tower, Jr., tug Brady and three barges, barge Wm. Edwards and consort,

Afternoon, down—Propeller California, tug J. P. Clark and three barges, steambarge Spokane and schooner M. E. Tremble, tug Castle and schooners John O'Neil, P. S. Marsh, J. F. Card, G. W. Davis, barge Colonial and consort, propellers W. L. Frost, Waverly, steambarge H. S. Hubbell and three barges, propeller Conestoga, barge Columbia and consort, Monteagle and consorts, Siberia and consorts, Clyde, Fred Kelly and consorts.

THROUGH THE STRAITS.

MACKINAW CITY, Nov. 1.—Morning, down—Schooner Montana, W. H. Rounds, propeller Monteagle with schooners White Star, Mystic Star.

Afternoon—Syracuse, Bay State.

Morning, up—Propeller City of Grand Rapids, schooners J. I. Case and Sunrise, S. B. Pomeroy, Two Fannies, Marengo, Monticello, and Reuben Doud, Porter and Havana, Mary Lyon, and Red, White and Blue, F. L. Danforth, G. G. Houghton, M.A. Muir, Monguagon, Golden Fleece.

MACKINAW CITY, Nov. 2.—Morning, down—Schooner D. S. Austin, Lafrinier, propeller City of Cleveland with schooner Ahira Cobb.

Afternoon—Propeller Milwaukee, and schooner Trowbridge.

Morning, up—Schooners American and Alice B. Norris, Lem Ellsworth, propeller Vanderbilt, schooner Hattie Wells, propeller Champlain, schooner Mary Collins, tug A.J. Smith with two barges, schooner H. M. Scove.

Afternoon—Schooner Ellen Spry, Saveland, Moonlight, Pulaski.

MACKINAW CITY, Nov. 3.—Morning, down—Propeller D. C. Whitney and consort.

Afternoon—Propeller Thos. W. Palmer and consort, Pacific.

Morning, up—Propeller F. S. Faxton, Clarion.

PASSED PORT COLBORNE.

PORT COLBORNE, Nov. 1.—Passed up—Steambarge Lincoln and barges, Wellers' Bay to Cleveland; D. R. VanAllen, Brighton to Erie; propeller Cuba, Port Hope to Erie.

Down—Schooner Mary Copley, Toledo to Oswego; P. M. Rogers, Detroit to Oswego; Blazing Star, Detroit to Oswego; steamship W. J. Averill, Chicago to Ogdensburg; W. A. Haskell, Chicago to Ogdensburg; steambarge Burns and barge Laura, Washburn to Kingston; propeller Oneida, Chicago to Ogdensburg.

PORT COLBORNE, Nov. 2.—Passed down—Schooner Manzanilla, Chicago to Prescott; schooner Samana, Detroit to Oswego.

PORT COLBORNE, Nov. 1.—Passed up—Schooner G. C. Finney, Oswego to Chicago; J. R. Noyes, Oswego to Sandusky; barge Sherman, Ogdensburg to Cleveland; barge Miles, Ogdensburg to Sandusky.

Down—Schooner Oliver Mowat, Sandusky to Kingston; John Magee, Detroit to Ogdensburg; Trade Wind, Cleveland to St. Catherines.

THROUGH THE SAULT.

SAULT STE MARIE, Nov. 1.—Morning, down—Steambarge Glengary, schooners Glenora, John Gaskin, tug E. M. Peck, schooners H. M. Scove, Jura, Reed Case, steambarge Colonial, schooner Specular, propeller California.

Afternoon—Steambarge Columbia, and schooner Comrade, steambarge Cuba, and schooner Donaldson.

Morning, up—Propeller Joseph L. Hurd, steambarge W. L. Wetmore, schooners C. H. Johnson, and Brunette.

Afternoon—Steambarge Forest City, and schooners H. H. Brown, Russia, propellers Roanoke, Alberta, steambarge Hecla, tug Mystic, schooner George Sherman.

SAULT STE MARIE, Nov. 2.—Morning, down—Steambarges R. A. Packer, Vienna, schooner Verona, propellers Arctic, Athabasca, Campana, propellers Empire State, Badger State, steambarge John N. Glidden, schooners F. A. Morse, G. H. Warmington.

Afternoon—Tug Mystic, schooners Delaware, Anna P. Grover, Sligo, propeller Leland.

Morning, up—Steambarge Geo. P. Hope.

Afternoon—Steambarge Cormorant, and schooner Richard Winslow, propeller India, steambarge V. Swain, schooner Helvetia, steambarge Tacoma.

The underwriters forwarded another steaam pump by rail from Port Colborne to Midland to work on the stranded barge York State.

The propeller Dean Richmond, sold to Chicago parties, was turned over to them Saturday and the Newburgh, sold to Buffalo parties, was transferred Monday. It is understood that the crews of all three vessels of that line sold will be retained. The Newburgh will be given a deck load of railroad iron and sent to Duluth for wheat, with the hope of getting an 8 cent freight. She may also take up some coal, but shippers refused to pay her the advance rate.

Smith, Davis & Company were advised that the Canadian propeller Myles was sunk near Kingston. She had on 24,000 bushels of wheat from Duluth, which is insured for $24,000 in the Phœnix and $13,000 in the Continental. Captain McLeod left for Kingston to look after the cargo, which is all wet.

Captain James Rardon, of the Ætna, has gone to Detroit to represent the underwriters in the survey on the propeller Osceola.

The keel of the big new ship for the Union steamboat line is nearly laid. Work is to be pushed on her, looking to an early completion in 1887. WM.

CHICAGO.

Special to the Marine Record.

Record was made at the custom house of the sale of the schooner Lake Forest to Hitchcock & Foster for $5,000. Captain William Mohlman late of the schooner C. G. Mixer will sail her, she is at Miller Brothers shipyard getting a new foremast and bowsprit.

The tug W. H. Alley, Captain J. A. Susick arrived at this port last Thursday to lay up.

The schooner Halsted, Captain D. W. Barnes, received a new mainsail, jib and foresail from Finney Brothers last week.

Two of Captain William Johnson's fine fleet of schooners the Alice, H. M. Hanson and Olga, Captain James Field made very quick round trips from Chicago to Menominee and back last week, both schooners making it in four and a half days, including loading over 400,000 feet of lumber on each of them.

At Miller Brothers drydocks the schooner Chester B. Jones was in dock for a new piece of keel and some plank on her bottom, the schooner Mary L. Higgie to have a leak stopped, the steambarges Minnesota and S. A. Johnson were in for calking, the schooner Watertown received a new pawl post, the schooner Ashland a new jibboom and some repairs, the schooner Oneonta a new anchor stock the schooner Cheney Ames some repairs, the schooner Belle Walbridge a new main boom, schooner Elgin a new rudder stock, the tug Uncle Sam was at the derrick and had stern bearing fixed and the tug O. W. Parker for repairs to her fore foot. The steamer City of Travers will have her smoke stacks taken out at the derrick and will then go into drydock for a through rebuild and new steel arches, the schooner A G. Morey went out of dock Tuesday afternoon.

The schooner Susie Chipman arrived on the lumber market Tuesday morning with a big load, above her rail there were 104 one inch boards, she is a good staunch boat but it is tempting providence to put such a big deck load on any steambarge so late in the season.

At a meeting of the Chicago board of marine underwriters the following trip rates for grain were established. They will hold good until further notice: To ports on Lake Michigan, 60 cents net: Lake Superior, $1.25; Lake Huron, Sarnia, and Detroit River, $1; Georgian Bay, $1.25; Lake Erie, $1.25; Lake Ontario, $1.50; Ogdensburg, $1.60; Montreal, $2. The average increase is 21⅞ cents all around over the rates issued on October 15.

The schooner George Steel, Captain P. Keating, arrived Monday morning with lumber from Cheboygan, Mich. She left this port on the 17th of October for Midland, with grain; was at anchor off Grosse Point until 6 a. m. on the 18th, waiting for fair wind, and arrived at Midland at 11 p. m. on the 20th. She experienced very heavy weather and high sea, but the wind was fair.

J. H. Skeel, owner of the schooner York State, received a dispatch Tuesday, stating that his schooner had been released and placed in drydock at Collinwood.

WILLIAMS.

MILWAUKEE.

Papers for record were received at the custom house Saturday announcing the sale of the propeller S. Neff to A. W. Lawrence and others of Sturgeon Bay for $8,500.

The tug John Torrent, owned by Alex Cleghorn, caught fire on Muskegon lake Saturday night and was burned to the water's edge. The boat was worth $4,000 and was insured.

BAY CITY.

Special to the Marine Record.

The heavy winds that prevailed during Wednesday and Thursday kept a large fleet of vessels at Sand Beach harbor of refuge. Saturday and Sunday over forty steambarges and tow barges arrived, which, with those already in, makes quite a fleet.

The barge Matilda is in the Bay City drydock, and will be entirely rebuilt by her owner Mr. A. N. Pinet, of Saginaw. Her starboard, rail, stanchions, etc., are completely gone.

The tug Kate Williams and tow were in the river Sunday.

Captain James Davidson's monster steamship is all in frame and is a sight to behold. The work of planking will be commenced in another week.

The tug Temple Emory has been laid up for the season at Davidson's shipyard.

Captain Richard Armstrong has sold his fire tug David Sutton to Captain Inman, of Duluth.

Captain George King had a new towing wheel put on his fire tug, the George B. Dickson, recently.

The scarcity of lumber carriers and the great desire on the part of shippers to get their property to market has sent lumber freights up another notch. Charters were made yesterday at $2.75 per thousand, Bay City to Buffalo, which is twenty-five cents higher than the going rates of last week. This would make freights to Ohio ports $2.25 although no charters at that figure have been reported. The following shows the prevailing rates from Saginaw River ports: Bay City to Buffalo and Tonawanda, $2.75; Saginaw to Buffalo and Tonawanda, $2.87½; Bay City to Ohio ports, $2.25; Saginaw to Ohio ports, $2.37½.

The work of raising the burned and sunken steamer L. G. Mason is progressing finely. The contractor will have her up in three days. It is found, however, that her hull is broken in two, and can be of no possible use; not even for a lighter.

The tug O. W. Cheeney took the barges Wesley and Dolphin to Tawas on Sunday. They load for Ohio.

There were twenty-five craft sheltered at Tawas in the recent blow.

The Shore line steamers will remain in service four weeks longer.

The propeller Ossifrage has been chartered by McGraw & Company.

Captain Henry Lester has traded his half interest in the barge Warner for a half interest in the barge Jane Ralston.

The steamer Music and tow, that have plied in the L. S. trade all summer, have returned to the river, and will carry lumber from the Valley for the remainder of the season. SHAW.

MILWAUKEE.

Special to the Marine Record

Marine notes are a scarce article at the present time. Not many vessels in port and not much news from those that are in.

Wolf & Davidson docked the schooners Odd Fellow and J. B. Prime for repairs and the tow barge S. M. Stevenson to stop a leak.

S. F. Hodge's men are here putting the bed plate in the new barge and will stay until the machinery is all in.

Brother Jamison is on his way here with his schooner G. G. Houghton, so we will soon hear a learned dissertation on Clyde-built ships. He should tackle Butler and get downed.

Captain Henry Leisk is in port. He is sailing the steambarge Simon Langell; a first-class man and a first-class boat.

Starkes have a full set of charts of all the lakes, and sail their steamer Veronica right in the office, ten miles an hour. She is here one or more hours; later, here she is, etc. Conrad is a much better navigator than Meyers is. I will give you an illustration. The other day I happened in the tug office in Milwaukee. Said Meyers, "She should have been off Point Pellee at 2 o'clock; now she should be here," indicating a point on the chart with his compasses with which he was getting his distances. "You are mistaken," said Conrad, indicating the place where she really ought to be, and sure enough, Meyers had sailed her over to Locust Point and a mile and a half upon the beach into some farmer's back yard. He intends to join a class in navigation this winter, so we shall expect better things of him next season.

The captain of the S. V. R. Watson can tell the best political yarn of the season about eating porter and drinking biled isters. CAPTAIN KIDD.

OTTAWA.

Commander Boulton of the royal navy has returned to the city from Georgian bay, having completed his third season's work. The survey will not be completed for several years yet. One result of the work of Captain Boulton this season was the discovery of dangerous rocks not located in the chart of Georgian bay prepared by Admiral Bayfield many years ago.

ALPENA.

Special to the Marine Record.

Friday evening the tug Effie L. was discovered by the Ralph's crew to be on fire. The Ralph was soon alongside of her, and with her powerful fire pump she soon had the fire under control. The damage amounts to about $500. The Effie L. will be out in a few days.

The large barge Michigan is here loading lumber for Buffalo. She had on her last trip over fifteen hundred thousand and they expect she will have more than that this trip. She is to be towed by the steambarge S. C. Hall the remainder of the season.

Mr. F. W. Gilchrist has stationed his large and powerful tug A. Sumner here the balance of the fall for wrecking purposes. He has also a new 14-inch wrecking pump, and a first-class diver and a steam lighter which are always ready.

The fish tugs are having some big luck this fall. Last week the Wayne Isabel brought in over four tons of fish at one lift. C.

DETROIT.

As yet no one can be found willing to take the job of raising the schooner S. J. Tilden, sunk in St. Clair River about two miles from Port Huron. Local vessel men think that she is not worth the money that it would cost to get her up.

The work on the Lime Kiln crossing has been completed, and the new system of lights at that point will go into effect. On Friday the last lot of rocks obstructing the new 300 foot wide channel were removed, and the whole length of that channel is now navigable. Two lights in a range with the center of the channel have been placed near the Canadian shore on the south end, the last one almost opposite the north end of Bois Blanc island. Boats bound down will steer by this range until a short distance past the south light boat, when they will strike the range of the new lights of Bois Blanc island and steer as heretofore. The new channel is 20 feet deep throughout. Mr. Dunbar has commenced blasting on the American side to widen the channel 50 feet throughout. The work will be finished in June next.

A collision between the steamer Idlewild and schooner John Rice last week caused damages to the amount of 1,000 to the Idlewild. The jibboom of the schooner tore away a number of supports on the steamer letting a portion of the deck fall. The schooner had her head gear carried away and her bow stove in.

EAST SAGINAW.

Special to the Marine Record.

Captain Thomas Franks, whose health has failed greatly of late, is in Chicago under medical treatment.

Captain John Henning has been appointed master of the barge J. F. Warner. He took charge of her Saturday at Detroit.

Captain Ed Donley was telegraphed to at Sand Beach on Thursday to come home at once, as his two children had been taken very ill with scarlet fever. They have somewhat improved since writing the above.

Robert McNiff was in the city during the week, looking after financial aid to his range lights at the Flats. He met with unexpected success, the Saginaw vessel owners contributing very substantially to the lights, all declaring them just what is wanted. Bob says that next season he is going to have a steam yacht with power enough to assist any unfortunate navigator who may happen to get into trouble; also a telephone whereby owners can call up and inquire of passing boats, from Saginaw to Cleveland.

Mr. James English has chartered the steam yacht Charles P. Fish to take the steamer W. R. Burt's place on the Bay City route, commencing at once. The Burt will have her cylinder rebored at Bartlett & Company's during the winter.

O. Mason has returned from Lake Superior, where he has been engaged for three months past in building a breakwater at life saving station No. 12.

Buckley Allen, a Bay City longshoreman, met with a fatal accident at a late hour Thursday night. Allen heard that the mate of the barge Taylor had been taken aboard drunk, and started for the boat to stay there during the night to prevent any accident that might happen because of the mate being drunk. This was the last seen of Allen until a late hour that night, when he was found lying in the hold of the vessel, with his skull fractured and his spine badly injured. It is supposed that in the dark he stepped into an open hatch. He has been unconscious since the accident and will die.

A queer trade was made in Bay City yesterday—one in which the documents were signed, sealed and delivered on the spot. C. L. Fox had eighty acres of land on the Chippewa river which he had never seen. This he transferred to E. J. Vance for the barge David Ferguson. Mr. Vance has never seen the land nor Mr. Fox the barge, which is now at Detroit with lumber. The query is, which of the two gentlemen got the best of the bargain. Mr. Vance will go to his newly acquired property as soon as possible, and Mr. Fox is anxiously awaiting the return of his vessel.

On Friday night as the steamer Lucile was leaving the Zilwaukee dock she struck a snag with her wheel, breaking the same and bending her shaft. She was taken to Bartlett & Company's slings where the shaft was straightened, and a new wheel put on.

The M line propeller P. Chamberlain and consorts Bliss, Corning, and Cahoon have returned to the river, after having been in the L. S. trade all summer. Their respective commanders are all looking hale and hearty.

A coal dealer remarked yesterday that it was almost impossible to secure boats to bring coal to this port, even at the unusually high freight rates. This evidences the fact that the carrying trade must be very brisk.

Captain Charles W. Gray, with his wife and daughter, Miss Jessie, returned Friday from a lengthy visit to the captain's son, John Gray, who owns a large cattle ranch in southern Texas.

Ex-Governor Jerome's steam yacht Mary Bell has been hauled out. A new boiler will be put in this winter. SHAW.

DULUTH.

The incorporators of the Lake Superior drydock company have returned home without selecting a site for their dock. They say Duluth real estate sharks tried to fleece them the minute they began negotiations for ground. The Duluth Tribune, angry because the company did not locate there; prints the following: "They have come and gone. They wanted the earth, or at least forty acres of it, with $25.000 to boot, before they could build a shipyard here. All they proposed to furnish was the brains, but if we can judge from the only ship that they ever turned out of their Chicago yard, the Vernon, their capital in that respect is limited also. These gentlemen must think that Duluth is a regular sucker nest. Only forty acres and $25,000! If they added $5,000 they could put in a dock that would rival any on the lakes. Such modesty is commendable, and it is to be hoped that many more gentlemen of like modesty will be along here before a great while, not that it will benefit Duluth any, but that our citizens may show to the outside world that we are not a community upon which such schemes can be sprung. Duluth will have a shipyard by next spring, but she will supply the site, money, and perhaps the brains herself."

Last week during a severe northerly gale the schooner Lake Dufferin parted from the steambarge William Hall, and sank.

PORT HURON.

A young man named Garroch, wheelsman on the tug Jessie, was killed by the schooner M. A. Muir, at the Wolverine drydock. The vessel was getting under way in tow of the tug Castle. Garroch had let go the vessel's lines and in some way fell into the river. The schooner came back, striking the pile that Garroch was clinging to in the water, and jammed his head and body to a frightful mass. The crew of the Muir had got ashore and pulled the body on the dock before the current carried it away. Garroch's home was at Corunna, Ont.

Captain Stough, of the sunken schooner S. J. Tilden, and E. J. Kendall have placed lights on the wreck and will have one of the crew stationed there in thick weather to sound a large fog horn. The contract has not been let to raise yet.

CHARLOTTE.

Steamer St. Magnus went ashore on what is called the Devil's Nose, twenty, miles west of Charlotte harbor, early this morning. She was first noticed on the rocks by some people on the shore. She left Oswego on Friday, bound for Chicago and upper lake ports. The St. Magnus carried a crew of about fifteen men. The Devil's Nose is a rocky point and the vessel lies badly and is liable to pound to pieces. The life saving crew and a tug left to assist the steamer. She is only partially loaded.

WANTED—A PASSENGER PROPELLER.

With 100 or 120 feet keel, and good carrying capacity. Must be speedy and cheap for cash. Address at once, JAMES ENGLISH.,
Proprietor S. R. S. B. Line, E. Saginaw, Mich.

WANTED.

The undersigned wishes to purchase a single-deck steambarge, from 500 to 800 tons capacity. Must be staunch and with plenty of power to tow two vessels. Also, one tow barge, from 500 to 700 tons, not to draw over twelve feet of water, loaded. Address,
JOHN H. JACOBS, Marquette, Mich.

MARITIME LAW.

INTERNAL REVENUE—COLLECTION DISTRICTS —DECISIONS OF SECRETARY OF TREASURY.

District Court, N. D. Ohio, W. D. January 1885.

In defining collection districts, it is the policy of the government, in cases of small bodies of water; not to divide the jurisdiction by locating one side of the water in one district and the other side in another.

The acts and decisions of the secretary of the treasury upon the question of boundaries of collection districts are not conclusive upon the courts, unless made so by statute.

The Opinion States the Facts.

R. S. Shields, Dist. Atty., and Homer Goodwin, for the United States.

R. Waite, for defendant.

Welker, J., (charging jury.)

The defendant is the master of the Chief Justice Waite, a steamer duly licensed, plying between the port of Toledo and the port of Put-in-Bay, and the islands there located, and engaged in carrying passengers and freight from Toledo to the islands and back again.

The plaintiff alleges that, at the time stated in the petition, the defendant, as such master, in leaving the port at Toledo, and also in leaving the port of Put-in-Bay, did not comply with the provisions of the statutes of the United States, by presenting to the collector of the port of departure duplicate manifests of the cargo of his vessel, as required to be presented before a departure of his vessel from a port in one collection district to a port in another collection district alleging that the port of Toledo is in the collection district of Miami, and the port of Put-in-Bay is in the collection district of Sandusky,— whereby he became liable to pay certain penalties, for the recovery which this action is brought.

The defendant denies that he violated the provisions of the statute in that respect. He also denies that the port of Put-in-Bay is located in the collection district of Sandusky, and alleges that it is located in the district of Miami, of which Toledo is the port of entry, and that no manifests were required to be presented on leaving either port. The defendant admits that he left both of said ports as stated in the petition, without presenting manifests of the cargo of his vessel. It is not denied that Put-in-Bay and Toledo were ports with collector or deputy collector located at either port.

If, therefore, the port of Put in-Bay was in the collection district of Sandusky, then the plaintiff is entitled to recover the amount of the penalties claimed. It it was in the district of Miami, then the defendant has not violated the statute, and is entitled to your verdict. The question of fact for you to determine, therefore is, was the port of Put-in-Bay in the Sandusky district, at the times stated in the petition?

The collection districts of the United States are fixed and defined by acts of congress, and whether Put-in Bay is in the district of Sandusky, or that of the Miami, must be determined by the legislation of congress in relation thereto.

In 1805, in relation to these districts, an act of congress was passed which provided "that all the shores, rivers, and waters of Lake Erie, within the jurisdiction of the United States, which lie between the west bank of Vermillion river and the north cape or extremity of Miami Bay, and including all the waters of the Miami river, shall be a district called the 'District of Miami;'" and the president to designate the port of entry, and two ports of delivery.

On the second of March, 1811, another act of congress was passed, dividing this district into two; and it provided "that all that part of Miami district lying east of the western cape of Sandusky bay shall be a district to be called the 'District of Sandusky;' " the president to designate the port of entry, and no ports of delivery provided for.

This enactment left all of the district created in 1805, not embraced in the new one of Sandusky, in the district of Miami; and these districts remained as so created until December, 1873, when congress passed another act defining these districts, being section 2603 of the Revised Statutes, and which provided:

"First. The district of Miami, to comprise all the waters and shores of Lake Erie within the jurisdiction of the United States, from the western cape of Sandusky bay to the western bank of the Miami river, in which Toledo shall be the port of entry; and the president is authorized to establish two ports of delivery in said district. Second. The district of Sandusky to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from the western bank of the Vermillion river to the western cape of Sandusky bay, in which Sandusky shall be the port of entry."

This last act of congress takes the place of the acts of 1805 and 1811, and establishes these districts as they were at the times stated in the petition, and when this suit was brought, and controls the questions made in this case.

In both these districts what is called the "western cape of Sandusky bay, is made an important landmark in fixing the boundries of each district. It will therefore be important for you to determine, by the evidence, where was the "western cape of Sandusky bay," in 1873, when this act was passed.

For that purpose proof has been allowed to go to you, by witnesses, describing the different points of land at the head of the bay, as well as at the outlet; also evidence as to what point was then and before known and recognized, in the navigation of the lakes and bay, as the western cape of the bay; as well as the maps and charts published by the treasury department of the goverment; and all of which are entitled to your consideration.

The government claims that the "cape" was located at the west end or head of the bay, and the defendant claims the cape intended in the statute was the cape at the north side of the outlet of the bay, known as Marblehead.

What is a "cape?" It is defined in the dictionaries to be a point of land extending into a lake; projecting into the water; a headland; a piece of land jutting into the lake beyond the rest of the coast line; a promontory.

It will be your duty to settle, first, whether at the time this act was passed, there was a cape at the west end of the bay, as claimed by the government, and such as would comply with these definitions of a cape. If there was, and it was the western one, and the one intended to be named in the act, then that would fix that part of the description of the boundary. If you should find that there was no such cape there, then ascertain if there are capes of the bay located at the outlet of the bay, as claimed by the defendant. A cape or capes located on either side of the outlet of the bay, and forming a boundary for the bay, would be capes of the Sandusky bay, as described in the act of congress. Then find and determine which of the two capes at the outlet was the western cape, and, if you find the point called Marblehead was such western cape, that would be the starting point to ascertain the boundary of the district, so as to determine in which district was located Put-in-Bay port.

In all cases where there is doubt as to the point designated as a starting point for a boundary, the fair and reasonable intent and purpose of congress may and should be considered, and should be determined from the surrounding circumstances, and, in this case, as affecting commerce and navigation connected therewith. In defining collection districts it is the policy of the government, in cases of small bodies of water, such as rivers and narrow bays, not to divide the jurisdiction of the waters thereof by locating one side in one district and the other side in another district. This would operate as a great inconvenience in conducting intercourse between the shores of such waters.

If you find that the cape intended and described was the one called Marblehead, then the waters and shores of Lake Erie, within the jurisdiction of the United States, from that point to the west bank of the Miami, would be in the Miami district; and the port of Put-in Bay would be included in it, lying west and north of that point, and all the shores and waters of Lake Erie east of that point, including all of Sandusky bay and Sandusky river, would form the Sandusky district.

If you find the cape intended by congress to have been located at the west end of the bay, then the question will arise whether all the shores and waters of Lake Erie, lying east of a line drawn north from that point to the north jurisdiction of the United States, or Canada line, would be included in the Sandusky district, and, if so, then the port of Put-in-Bay would be in the Sandusky district.

In the act of 1811, which remained in force until 1873, and under which the business of the district up to that time was conducted by the government, the Sandusky district was described as all of that part of Miami district lying east of the western cape of Sandusky bay. This would include the shores, rivers, and waters of Lake Erie, to the Canada line, lying east of a north line from that point, whatever it might be. But the statute of 1873 very materially changes the description contained in the act of 1811, and provides "that all the waters and shores of Lake Erie, from the western cape of Sandusky bay to the western bank of the Miami river, shall be the Miami district." This, then, seems to adopt shore lines from one point to another, and means continuous shores from the starting point to the terminal point; and does not adopt a line north, across the peninsula, to the waters of the lake, and thence to the Canada line, as the western boundary of the Sandusky district.

And if you determine that the western cape intended to be described in the act of congress was at the western end of the lake, I direct you that, under the statute, the boundary of the Miami district would be from such point along the northern shore of the bay to Marblehead, and along the shores to the western bank of the Miami following shore lines, and which would include the Miami river, and both of its shores; and that such a line would give the Miami district jurisdiction on the north side of the bay, and all the waters of Lake Erie north of Marblehead, and thus divide the jurisdiction of Sandusky bay with the Sandusky district. This result may be considered by you in determining the intent and purpose of congress in the act of 1873, providing the boundaries of these districts.

Evidence has been allowed to go to you showing the acts and decisions of the secretary of the treasury in determining and recognizing the location of Put-in-Bay as in the Sandusky district, and at other points of Lake Erie north of the west end of the bay. It is claimed by the government that such action and decisions of the secretary are final and binding on the defendant, which should be enforced by the court. Up to the act of 1873 these acts were, in my judgment, in accordance with the statutes. This action and these decisions, since the act of 1873, of the secretary of the treasury, representing, as he does, a part of the executive department of the government, are worthy of great respect, and entitled to great weight in construction of the statute. To his subordinates they are final, but to others they are not final. To the judicial department, and in controversies involving construction of statutes, they are only pursuasive, and not conclusive, unless made so by statute. In giving importance to these decisions and acts, it is important to consider all the acts and decisions of the different secretaries, in the written decisions, as well as the charts that are in evidence before you, in relation to the boundaries of these districts.

If you find from the evidence, and under these instructions, that the port of Put-in-Bay was at the times named in the petition in the Sandusky district, then you will find for the plaintiff, and the measure of its recovery would be the penalties named in the petition, put into one amount. If you find that the port named was in the Miami district, as claimed by the defendant, then your verdict will be for the defendant.

The jury being recalled, after deliberating some time without agreement, was instructed as follows:

It will make no different in the location of the port Put-in-Bay whether you decide the western cape was at west end of the bay or at Marblehead, for, under my instructions heretofore given, if at west end of the bay, then the shore must be followed to Marblehead, and around it, to the point named in Miami river; and that would put the waters north of Marblehead, and west of such line to the Canada line, in the Miami district, the same as if it started at Marblehead, and would include Put-in-Bay in the Miami district.

Verdict for the defendant.

THE SCHOONER BELLE MITCHELL.

The mystery which has surrounded the wreckage drifting about this port is finally solved. That portion of it which drifted ashore at Massassauga Point, including the ship's yawl, was moved to the public dock. Mr. William Rusho, of Clayton, N. Y., brother of Captain T. G. Rusho, of the Belle Mitchell, arrived in town to inspect the wreck. As soon as he viewed the yawl he at once said it belonged to the Mitchell, and also identified several other pieces of the wreck. He says that the ship had a crew of eight men and one woman cook beside Captain Rusho. The Mitchell left Toledo on Wednesday, October 13, with a full cargo of grain, and must have been very near this port when the storm struck her. The pieces of wreckage indicate that the masts must have gone by the board, and in doing so carried away a large section of the port rail and cabin. Mr. Rusho is of the opinion that when the masts were carried away she sprung aleak, which speedily filled her. The vessel was owned chiefly by F. D. Barker, of Clayton. His three-fourths interest is insured in the hull pool for $5,600. Captain T. J. Rusho, of Clayton, her master, owned the rest. The wheat cargo is insured, the Continental holding $10,000 on it. That company lost $8,400 on the O. M. Bond's cargo and $8,000 on the George M. Case's. Nothing is known here as to who composed the Mitchell's crew on this trip, although it is said that Captain Rusho's sister and two brothers-in-law were aboard.

The Erie Herald says that among those lost on the propeller Selah Chamberlain in Lake Michigan, October 18, was Louis Dumphy, of Erie, the second engineer. He was the only son of Mr. and Mrs. Luke Dumphy, of the Mable House. His age was 22 years, and last year he began sailing upon the tug Mocking Bird, of Detroit; this season he went as engineer on the Sweepstakes, and afterward engaged upon the Selah Chamberlain. Captain Greenley telegraphs that there is no hope of recovering the bodies of those drowned. Mr. Dumphy was engaged in lowering the boat after the collision. The davits fouled and he was swept off into the sea.

Regarding the fate of the schooner Belle Mitchell and her crew the Times says: There can no longer be a doubt that the schooner Belle Mitchell is gone down with all on board. When the Hartford came down Captain John Carr reported that the Belle Mitchell passed under the stern of the Hartford and was then in distress. A letter received from Captain Carr makes it evident that the Mitchell must have sunk about dark on the day when she parted company with the Hartford: The captain says: "I passed the Belle Mitchell's spars lying broken off but fast to the wreck twenty-two miles above and W. S. W. of Long Point, (Lake Erie.") This is within five miles of the spot where the two vessels passed each other on the down trip and there is no doubt that shortly afterwards the Belle Mitchell was lost. The friends of Captain Truman Rusho and his crew, who have been hoping against hope that something might be heard of the crew must give up hope now, as it appears certain that every soul on board perished. It is singular that Captain Carr should be the last to sight the schooner and the one to find the wreck and verify her fate. The owners of the Mitchell were A. F. Barker of Clayton and Captain Truman Rusho.

CLEVELAND'S LAKE COMMERCE.

Cleveland is one of the most important ports on the lower lakes, but her commerce is peculiarly her own. Iron ore, coal, and lumber have given her the prestige she now enjoys. These three commodities have done for her what wheat and corn have done for Chicago, Buffalo, and Toledo. With her miles of lake and river front, and her lines of railroads leading to the iron manufacturing districts and coal fields of Eastern Ohio and Western Pennsylvania, Cleveland is the natural port of entry for the immense products of the iron mines of the upper lakes, and, for the same reason, it is the point at which the products of the coal mines of Ohio should find shipment. This being true, every ton of iron ore and coal turned away from this port means a loss to the commerce of Cleveland. Nevertheless much of the ore and coal trade which rightly belongs to Cleveland is being drawn away to smaller ports east and west of here, and the commerce of the Forest City will continue to suffer in this way until vesselmen are offered better facilities for loading and unloading their boats here. The Leader, a few days since, called attention to the great need of better docks, and those who have the means at their command to remedy the evil should not hesitate about beginning the work. A dispatch from Youngstown, published in last Tuesday's Leader, stated that the Ashtabula, Youngstown & Pittsburgh railroad would soon build a line from Youngstown to Wampum, Pa. This dispatch refers to the fact that the Ashtabula, Youngstown & Pittsburgh Company has expended within the past year $100,000 in the improvement of its docks at Ashtabula, with a view to increasing its facilities for handling ore. The building of this branch line to Wampum is significant as showing what Cleveland is about to lose, but that is not all. The old Painesville & Youngstown narrow gauge road, which did something in the way of carrying ore from Fairport, has recently been changed to a standard gauge and leased for a term of ninety-nine years to the Pittsburg & Western railroad company. Its freight trains have already began running through from Fairport to Pittsburgh, laden with ore and from the coal fields of Pennsylvania to the lake with the product of the mines. Active work has also begun on the "Black Diamond" system of roads, which will give Painesville and Fairport another connection with the coal fields. The Lake Shore Company has just decided to build a road connecting its Ashtabula & Youngstown branch with Sharon and Sharpsville, Pa., and thus afford an opportunity for shipment to those places from Ashtabula of great quantities of iron ore which now passes through Cleveland.

It is doubtful if Cleveland can reclaim the carrying trade which has been taken from her by these smaller lake ports, but she can certainly prevent the loss of any more of it. Vesselmen have complained for years about Cleveland's docks, and have finally been compelled to go where they can get better facilities for loading and unloading their boats. The principal complaint seems to be on account of the narrowness of the docks, which render the use of improved hoisting machinery to a certain extent impracticable. There certainly should be no cause for such complaints. There is plenty of room here, and ample docks should at once be provided. Cleveland can not afford to lose her coal and ore carrying trade, and something ought to be done to save it before it is too late.—*Cleveland Leader.*

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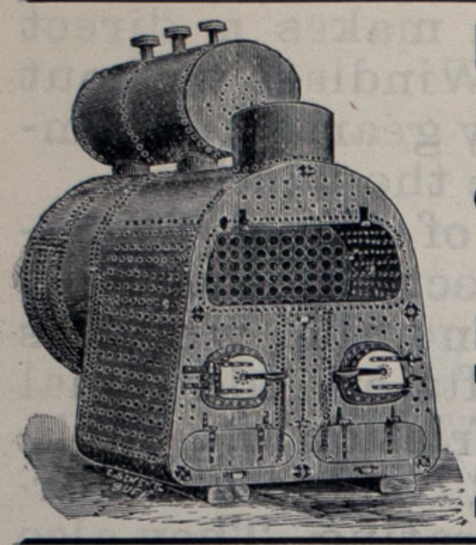

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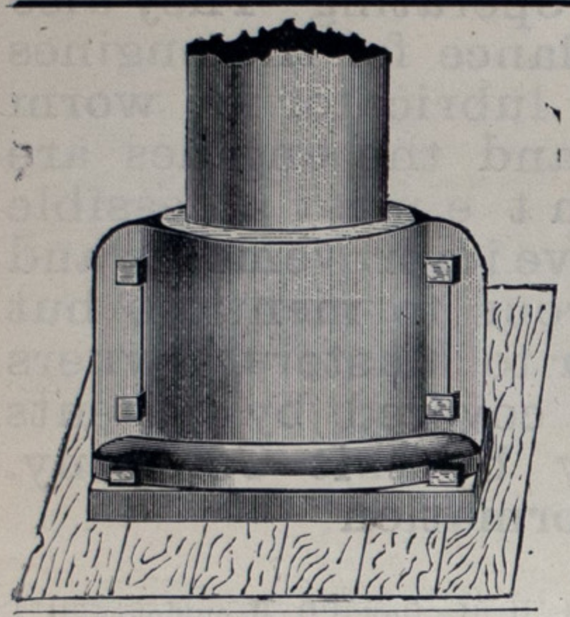

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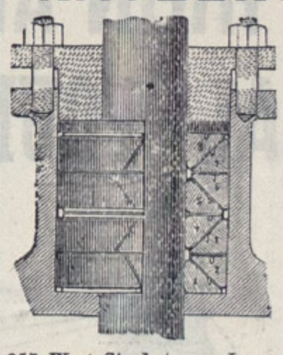

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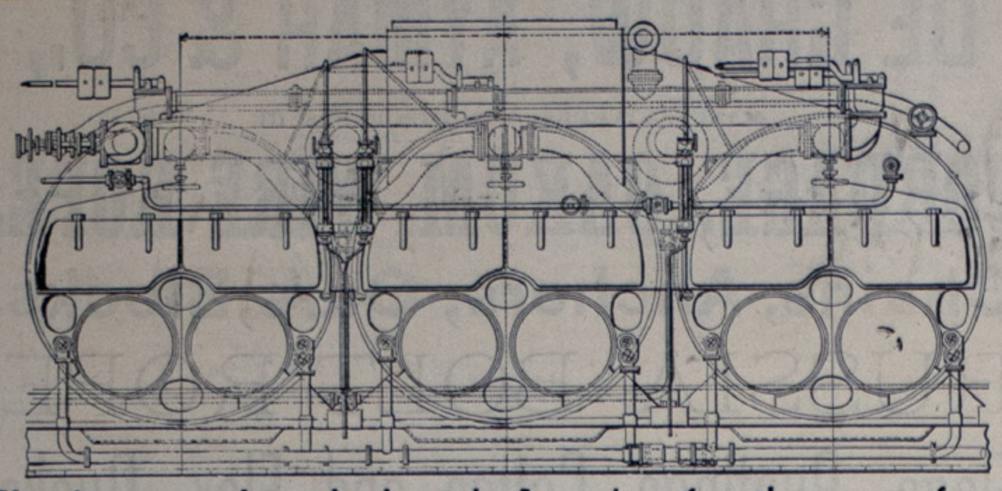

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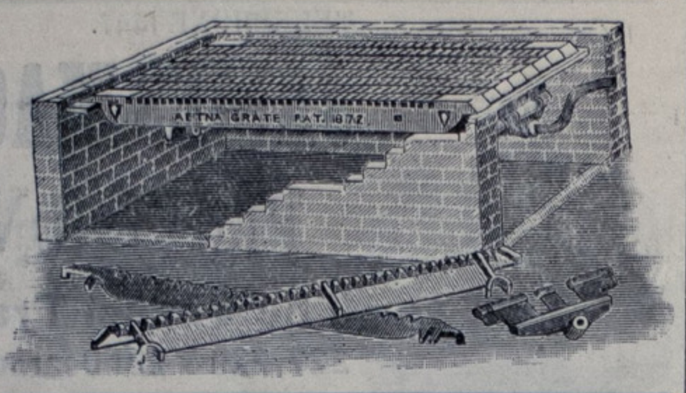

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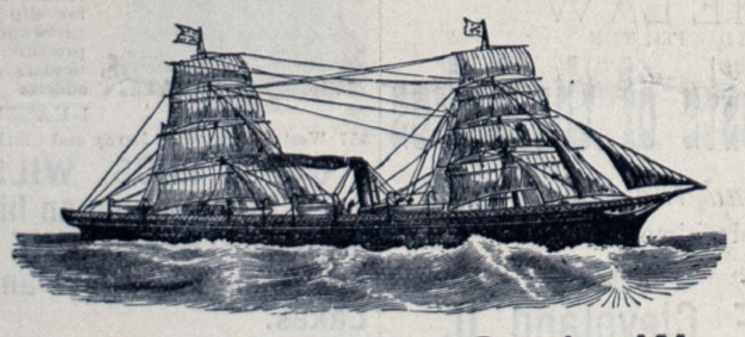

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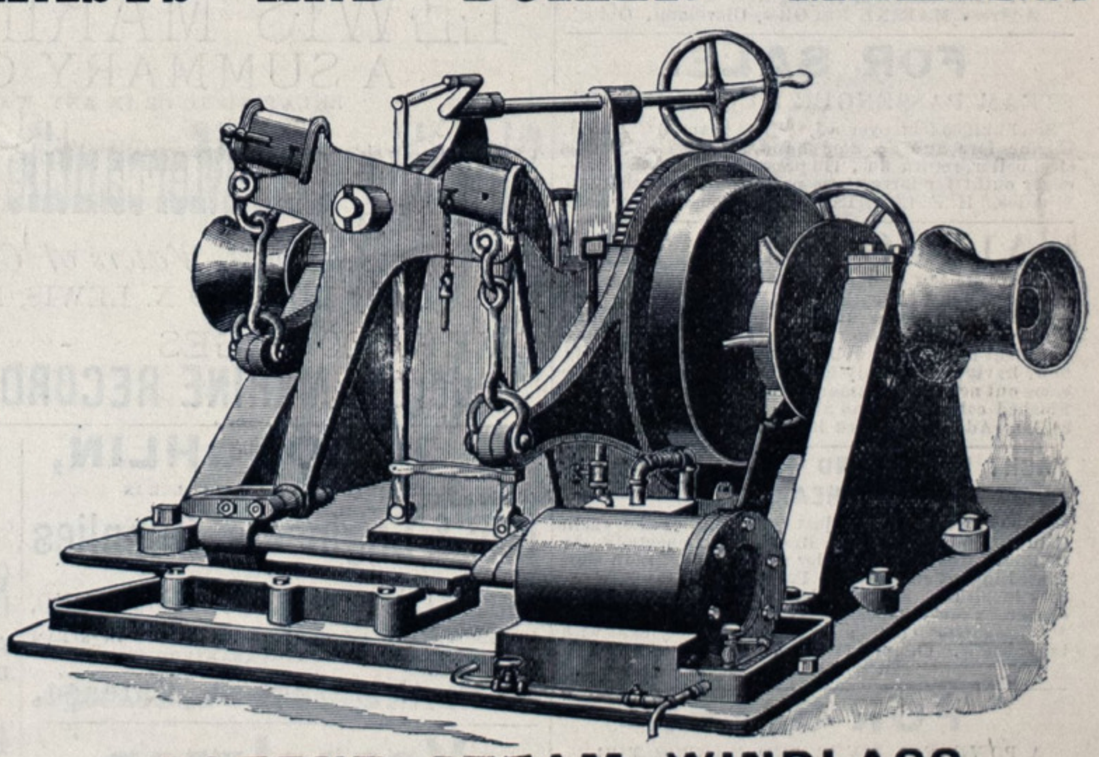

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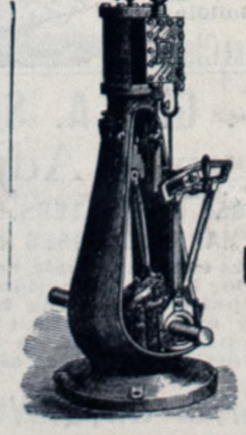

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